

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RHOBAR, INC., RHOBAR DEVELOPMENT
ASSOCIATES, LLC., ACKERLY ASSOCIATES, LLC.,
SILVER HUNTINGTON ENTERPRISES, LLC.,
and SILVER HUNTINGTON REALTY, LLC.,

Case no: 07 CIV 6100

Plaintiffs,

-against-

**INITIAL DISCLOSURE
PURSUANT TO
FRCP 26(a)(1)**

HOWARD SILVER, 2 ON THE AISLE, INC.,
DAVID A. KAMINSKY & ASSOCIATES, P.C.,
MARTIN G. DOBIN, ESQ., a/k/a JERRY DOBIN, ESQ.,
and ELLIOT J. HURDY,

Defendants.

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In accordance with Rule 26(a)(1) of the Federal Rules of Civil Procedure,
Defendants HOWARD SILVER, DAVID A. KAMINSKY & ASSOCIATES, P.C., and
MARTIN G. DOBIN, ESQ., a/k/a JERRY DOBIN, ESQ., make their mandatory
disclosure as follows:

A. Witnesses

1. DAVID A. KAMINSKY & ASSOCIATES, P.C. at 325 Broadway, Suite
504, New York, New York 10007, is likely to have discoverable information relevant to
disputed facts alleged with particularity in the pleadings including copies of the
complaint against RHONA SILVER, HUNTINGTON TOWNHOUSE, HUNTINGTON
TOWNHOUSE, INC., NEW HUNTINGTON TOWNHOUSE, HUNTINGTON
REALTY, LLC, SILVER HUNTINGTON TOWNHOUSE, SILVER HUNTINGTON
REALTY, LLC, HUNTINGTON ENTERPRISES, LLC, RHOBAR DEVELOPMENT

ASSOCIATES, LLC, RHOBAR, INC., RHONA SILVER ENTERPRISES-ALF LLC, RHONA SILVER ENTERPRISES-EXPO LLC, RHONA SILVER ENTERPRISES-HOTEL, LLC. The Defendant HOWARD SILVER herein further served an Amended Summons and Verified Complaint dated February 8, 2007 upon the above named Defendants and also BARRY NEWMAN and ACKERLY ASSOCIATES, LLC. There are also correspondences with the Plaintiffs' attorneys.

2. MARTIN G. DOBIN, ESQ., a/k/a JERRY DOBIN, ESQ. at 325 Broadway, Suite 504, New York, New York 10007, is likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings.

3. HOWARD SILVER who resides at 500 East 77th Street, Apt. 731, New York, New York is likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings.

4. HARVEY SCHWARTZ whose offices are located at 845 Third Avenue, 8th Floor, New York, New York, 10022, is likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings.

5. BARRY OKUN is likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings.

6. ALLEN DENNIS, whose address and telephone number are not known at this time, is likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings.

7. ALAN SCHOENFELD, whose address and telephone number are not known at this time, is likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings.

8. MICHAEL PALMEIRO, whose address and telephone number are not known at this time, is likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings.

9. ELLIOT HURDY, whose address and telephone number are not known at this time, is likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings.

10. RICHARD DUREYA, whose address and telephone number are not known at this time, is likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings.

9. PAUL McCONNEY, whose address and telephone number are not known at this time, is likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings.

10. HAL DARNELL, whose address and telephone number are not known at this time, is likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings.

11. MARK GELFAND, whose address and telephone number are not known at this time, is likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings.

12. RICHIE MORAN, whose address and telephone number are not known at this time, is likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings.

13. STEPHEN SCHWARTZ, whose address and telephone number are not known at this time, is likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings.

14. MELROSE LARRY GREEN, whose address and telephone number are not known at this time, is likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings.

15. NORMAN LOWE, whose address and telephone number are not known at this time, is likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings.

16. KATE MINA, whose address and telephone number are not known at this time, is likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings.

17. MICHAEL PALMEIRO, whose address and telephone number are not known at this time, is likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings.

18. RANDY SCARF, whose address and telephone number are not known at this time, is likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings.

19. STEVE KOTLER, whose address and telephone number are not known at this time, is likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings.

20. JOANIE MEYERS, whose address and telephone number are not known at this time, is likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings.

21. ANTHONY PARISI, whose address and telephone number are not known at this time, is likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings.

22. EUGENE CARROZZA, whose address and telephone number are not known at this time, is likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings.

23. DENNIS MCLEOUN, whose address and telephone number are not known at this time, is likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings.

24. BARRY BROWN, whose address and telephone number are not known at this time, is likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings.

25. DMITRY BANGIEV, whose address and telephone number are not known at this time, is likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings.

26. LARRY GREEN, whose address and telephone number are not known at this time, is likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings.

27. RICHIE MORAN, whose address and telephone number are not known at this time, is likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings.

28. JIM MITAROTONPA, whose address and telephone number are not known at this time, is likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings.

29. ANTHONY PARISI, whose address and telephone number are not known at this time, is likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings.

30. MARIA GASPAR, whose address and telephone number are not known at this time, is likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings.

B. Documents

1. Letter dated on or about April 30, 1997 prepared and signed by RHONA SILVER.

2. Letter dated on or about March 7, 2007, prepared and signed by Harvey Schwarz, Esq., releasing the acknowledgment executed by Ms. Rhona Silver, dated April 30, 1997, that she holds fifty (50%) per cent interest in the profits and capital of Silver Huntington Enterprises, LLC and Silver Huntington Realty LLC for the benefit of Mr. Silver.

3. Several items of correspondence between DAVID A. KAMINSKY & ASSOCIATES, P.C. and McDonough & Artz, P.C.

4. Several Items of Correspondence between MARTIN G. DOBIN, ESQ. and Curtis B. Gilfillan, Esq.

5. All the pleadings, motions, discovery and affidavits exchanged by the parties herein, in connection with the on-going litigation in the Supreme Court of Suffolk County, bearing index number #05097/2007.

6. The records, books and filed prepared by and kept by DAVID A. KAMINSKY & ASSOCIATES, P.C. in connection with the on-going litigation in the Supreme Court of the Suffolk County, bearing index # 05097/2007.

7. The Verified Complaint and Notice of Pendency filed by Defendant herein Howard Silver, against RHONA SILVER, HUNTINGTON TOWNHOUSE, HUNTINGTON TOWNHOUSE, INC., NEW HUNTINGTON TOWNHOUSE, HUNTINGTON REALTY, LLC, SILVER HUNTINGTON TOWNHOUSE, SILVER HUNTINGTON REALTY, LLC, HUNTINGTON ENTERPRISES, LLC, RHOBAR DEVELOPMENT ASSOCIATES, LLC, RHOBAR, INC., RHONA SILVER ENTERPRISES-ALF LLC, RHONA SILVER ENTERPRISES-EXPO LLC, RHONA SILVER ENTERPRISES-HOTEL, LLC, dated February 6, 2007 and all the Exhibits annexed thereto.

8. The Amended Summons and Verified Complaint, and Amended Notice of Pendency filed by the Defendant herein Howard Silver, dated February 8, 2007, which named BARRY NEWMAN and ACKERLY ASSOCIATES, LLC, as Defendants in addition to the Defendants named in the original Summons and Complaint, and all Exhibits annexed thereto.

9. The Second Amended Complaint filed by the Defendant herein Howard Silver, dated June 11, 2007, which adds additional causes of action against Defendants RHONA SILVER, HUNTINGTON TOWNHOUSE, HUNTINGTON TOWNHOUSE, INC., NEW HUNTINGTON TOWNHOUSE, HUNTINGTON REALTY, LLC, SILVER HUNTINGTON TOWNHOUSE, SILVER HUNTINGTON REALTY, LLC, HUNTINGTON ENTERPRISES, LLC, RHOBAR DEVELOPMENT ASSOCIATES, LLC, RHOBAR, INC., RHONA SILVER ENTERPRISES-ALF LLC, RHONA SILVER ENTERPRISES-EXPO LLC, RHONA SILVER ENTERPRISES-HOTEL, LLC, BARRY NEWMAN and ACKERLY ASSOCIATES, LLC and all Exhibits annexed thereto.

10. Sworn Affidavit of Barry Brown.

12. Affidavit of Laurence Greenblatt sworn to on March 13, 2007.

13. The Order to Show Cause brought by Howard Silver, the Defendant herein, dated February 8, 2007, and all the Affidavits and the Exhibits annexed thereto.

14. The cross-motion of the Defendant herein, Howard Silver, seeking the appointment of a receiver and dated March 1, 2007, and all the Affidavits and Exhibits annexed thereto.

15. Affirmation in Opposition to Defendant's Motion to Dismiss, dated July 23, 2007, and filed by Defendant herein Howard Silver, and all the Affidavits and Exhibits annexed thereto.

16. Plaintiff's Affirmation in Reply to Defendant's Affidavits and brief in Opposition to Plaintiff's Motion seeking a Preliminary Injunction, dated August 10, 2007, and all the Affidavits and Exhibits annexed thereto.

C. Computation of Damages

1. FRCP Rule 11 sanctions; Punitive damages; Malicious prosecution; Abuse of Process; Violation of Defendants constitutional rights.

2. Documents upon which the computation is based in the within Action and to be disclosed upon receipt by the Defendants.

3. Legal fees and costs incurred by the Defendants as a result of defending the instant action and other further relief.

D. Insurance Agreements

1. None

Dated: New York, New York
December 12, 2007

Yours etc.

DAVID A. KAMINSKY & ASSOCIATES, P.C.

By: James English, Esq.

Attorneys for Defendants

325 Broadway - Suite 504

New York, New York 10007

(212) 571-1227

To: McDonough & Artz, P.C.
Attn: Curtis B. Gilfillan, Esq.
117 Hawley Street
P.O. Box 1740
Binghamton, NY 13902-1740
Bar Roll No.: CG 2229

PLEASE TAKE NOTICE

☐ that the within is a (certified) true copy of a
entered in the office of
the clerk of the within named Court on

☐ that an Order of which the within is a true copy
will be presented for settlement to the
one of
Honorable
the judges of the within named Court, at
on
, at

Dated: _____

DAVID A. KAMINSKY & ASSOCIATES, P.C.
Attorney for

325 BROADWAY - SUITE 504
NEW YORK, NEW YORK 10007

Pursuant to 22 NYCRR 130.1.1-a, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, (1) the contentions contained in the annexed document are not frivolous and that (2) if the annexed document is an initiating pleading, (i) the matter was not obtained through illegal conduct, or that if it was, the attorney or other persons responsible for the illegal conduct are not participating in the matter or sharing in any fee earned therefrom and that (ii) if the matter involves potential claims for personal injury or wrongful death, the matter was not obtained in violation of 22 NYCRR 1200.41-a.

Dated: _____

~~James A. English, Esq.~~
December 14, 2007

DAVID A. KAMINSKY & ASSOCIATES, P.C.
Attorney for

325 BROADWAY - SUITE 504
NEW YORK, NEW YORK 10007

To
Attorney(s) for

07 CIV 6100
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RHOBAR, INC., RHOBAR DEVELOPMENT
ASSOCIATES, LLC, ACKERLY ASSOCIATES, LLC,
SILVER HUNTINGTON ENTERPRISES, LLC, and
SILVER HUNTINGTON REALTY, LLC,

Plaintiffs,

-against-

HOWARD SILVER, 2 ON THE AISLE, INC.,
DAVID A. KAMINSKY & ASSOCIATES, P.C.,
MARTIN G. DOBIN, ESQ. a/k/a JERRY DOBIN, ESQ.,
and ELLIOT J. HURDY,
Defendants.

**INITIAL DISCLOSURE PURSUANT
TO FRCP 26(a) (1)**

DAVID A. KAMINSKY & ASSOCIATES, P.C.

Attorney for DEFENDANTS DAVID A. KAMINSKY & ASSOCIATES, P.C.,
MARTIN G. DOBIN, ESQ. a/k/a JERRY DOBIN, ESQ., and
HOWARD SILVER
325 BROADWAY - SUITE 504
NEW YORK, NEW YORK 10007
(212) 571-1227

To

Attorney(s) for

Service of a copy of the within

is hereby admitted.

Dated.

Attorney(s) for